

MCGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL, CA 230138
Regional Chief Counsel, Region IX
Social Security Administration
ELLINOR R. CODER, CA 258258
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (415) 977-8955
Facsimile: (415) 744-0134
E-Mail: Ellinor.Coder@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

JANET ELLEN DEORNELLAS,
Plaintiff,
v.
ANDREW SAUL,
Commissioner of Social Security,
Defendant.
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IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of twelve thousand dollars and no cents, (\$12,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Counsel (Dkt. 18-3). Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Counsel Robert C. Weems, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's firm, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted this 7th day of December 2020.

Respectfully submitted,

Dated: December 7, 2020

/s/ Robert C. Weems*
(*as authorized via e-mail on Dec. 7, 2020)
ROBERT C. WEEMS
Attorney for Plaintiff

Dated: December 7, 2020

McGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX

1 Social Security Administration

2 By: /s/ Ellinor R. Coder
3 ELLINOR R. CODER
4 Special Assistant U.S. Attorney
5 Attorneys for Defendant

6 **ORDER**

7 Based upon the parties' Stipulation for the Award and Payment of Equal Access to
8 Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that:

9 1. Plaintiff's motion for attorney fees (ECF No. 18) is denied as moot; and
10 2. Fees and expenses in the amount of twelve thousand dollars and no cents,
11 (\$12,000.00) as authorized by 28 U.S.C. § 2412, and no costs authorized by 28
12 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

13 Dated: December 8, 2020

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15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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